

**Sterling Planning and Zoning Commission  
Public Hearing Minutes  
Monday, November 20, 2023 7:00pm  
Town Hall Meeting Room**

**Members Present:** Vice Chair Ross Farrugia, John Angelone, Jon Turban, and Dana Morrow

**Members Absent:** Frank Bood

**Alternate Members Present:** Jason McLevy, and Theresa Cavalier

**Also Present:** First Selectman Link Cooper, Victoria Robinson-Lewis ZEO, Jim Larkin of NECCOG, and Melissa Bradley - Recording Secretary

1. **Call to Order:** R. Farrugia opened the public hearing at 7:00pm.
2. **Seat Alternates:** T. Cavalier was seated as a regular member.
3. **Public Hearing:**
  - a. **Cannabis Text Amendment:** A non-severity clause was added. No public discussion. D. Morrow made a motion to close the cannabis text amendment public hearing. T. Cavalier seconded the motion. Motion passed 5-0.
  - b. **Accessory Apartment Text Amendment:** This will follow State guidelines. No public discussion. D. Morrow made a motion to close the accessory apartment text amendment public hearing. T. Cavalier seconded the motion. Motion passed 5-0.
4. **Adjournment:** Hearing adjourned at 7:09 pm, regular meeting beginning at 7:30pm.

**Sterling Planning and Zoning Commission  
Regular Meeting Minutes  
Monday, November 20, 2023 7:30pm  
Town Hall Meeting Room**

**Members Present:** Chair Frank Bood, Vice Chair Ross Farrugia, John Angelone, Jon Turban, and Dana Morrow

**Alternate Members Present:** Jason McLevy, and Theresa Cavalier

**Also Present:** First Selectman Link Cooper, Victoria Robinson-Lewis ZEO, Jim Larkin of NECCOG, David Held of Provost & Rovero, Harry Heller of Heller, Heller and McCoy Law Firm, Sterling Town Attorney Cary, Jeffrey Strmiska, David McCay of Boundaries, and Melissa Bradley - Recording Secretary

- I. **Call to Order:** F. Bood called the meeting to order at 7:30pm.
- II. **Seat Alternates:** Quorum present, no alternates seated.
- III. **Pledge of Allegiance:** All stood to honor the Pledge of Allegiance.
- IV. **Audience Comments:** None
- V. **Approval of Minutes:** R. Farrugia made a motion to approve the minutes of 10/16/2023 as presented. J. Angelone seconded the motion. Motion carried 5-0.
- VI. **Correspondence:** Kim Smith submitted her resignation from the commission.

**VII. Unfinished Business:**

**a. Excavation Renewal Tilcon CT., Inc., Sterling Road:** Attorney Harry Heller is present representing Tilcon along with David Held, the project engineer. Town Attorney Cary received correspondence from Atty. Heller a few days ago and did not have sufficient time to review. Attorney Heller is arguing that when the new permit was issued in 2018 for this project, there was a State Statute, 8-3, that extended these permits for fourteen years, therefore, a renewal is not necessary at this time. Town Atty. Cary does not agree with this interpretation. The Commission requests an extension to have time to review the information presented between the attorneys. Discussion ensued. Tilcon granted the extension until the January 8th meeting.

\*Letter dated 11/20/2023 filed with the minutes in the Town Clerk's office.

R. Farrugia made a motion to table this item until the January 8, 2024 meeting. J. Angelone seconded the motion. Motion carried 5-0.

**b. Special Permit and Special Permit Uses Discussion:** R. Farrugia made a motion to table this item until the January 8, 2024 meeting. D. Morrow seconded the motion. Motion carried 5-0.

**c. Cannabis discussion and possible action:** R. Farrugia made a motion to table this item until the January 8, 2024 meeting. D. Morrow seconded the motion. Motion carried 5-0.

**d. Accessory Apartments discussion and possible action:** R. Farrugia made a motion to table this item until the January 8, 2024 meeting. D. Morrow seconded the motion. Motion carried 5-0.

**VIII. New Business**

**a. Excavation Permit Renewal, Oneco Gravel LLC, 140 Newport Rd:** Jeffrey Strmiska states he is approximately half done with Phase 1, with two more phases projected. He believes it will take between 5-10 years to complete. There are only two trucks hauling from the site from Monday - Saturday, 7am -5pm, no Sundays or Holidays. Jim Larkin will look into the cost of a topo of the existing pit.

D. Morrow made a motion to accept the application. R. Farrugia seconded the motion. Motion carried 5-0.

**b. 81 IPR LLC Excavation Application:** David McCay from Boundaries presents the application for 81 IPR LLC. The previous owners of the property did have a permit to excavate that expired in 2016. They are working on some items from the Town Engineer. There was also a waiver request in 2011 regarding the required setbacks. Where the proposed building would be constructed, setbacks would be 25' on the side and 0 in the front.

Tim O'Leary from the Home Owners Association abutting the property, is concerned with ground water going into yards.

Jessica, a resident on the abutting property, is also concerned with the water and also states they were not notified of this application.

Chairman Bood states he is very familiar with the property and does not think water issues would come from excavation on this property, in fact, it may actually help the water table.

The Home Owners Association was notified of the application, not each resident.

D. Morrow made a motion to accept the application submitted by 81 IPR LLC. R. Farrugia seconded the motion. Motion passed 5-0.

**c. 81 IPR LLC Industrial Building Application:** Discussion held on constructing a 5,000 sf industrial building with outdoor storage.

D. Morrow made a motion to accept the application submitted by 81 IPR LLC. R. Farrugia seconded the motion. Motion passed 5-0.

**d/e. Excavation Permit Renewal, ML CAT LLC, 220 Newport Rd:**

Andrew McCoy, Attorney representing this applicant. ML Cat is seeking an excavation renewal for 5 years on two properties. Processing and hauling will take place Monday - Friday, 7:30am - 5:00pm, and Saturdays 8:00am - 12:00pm. Area of excavation is 17.4 acres with an annual excavation volume of 100,000 cubic yards.

**258 Newport Rd:** Area of excavation is 17.6 acres with an annual excavation volume of approximately 85,000 cubic yards.

D. Morrow made a motion to accept ML Cat LLC 220 Newport Road and 258 Newport Road applications. R. Farrugia seconded the motion. Motion carried 5-0.

D. Morrow made a motion to table discussion on these applications until the next meeting. R. Farrugia seconded the motion. Motion carried 5-0.

**f. Discussion Regarding 29 Industrial Park Road - Building a 1.3 +/- MW Solar Farm:** Guy Mozzicato, Manager of ATMA Investments LLC presented a letter of interest to purchase 29 Industrial Park Road, 3.07 acres. This will power the proposed cannabis processing facility that will be located in the existing building. The commission would like to propose the following questions to EDC:

Why are they requesting to produce much more power than needed for the existing building? What do they plan to do with the excess?

Is leasing this property an option instead of selling?

Clarification on the first right of refusal in the lease.

**g. Consider and Act on the 2024 Schedule of Meetings:** D. Morrow made a motion to approve the 2024 meeting schedule with one change, to remove the December meeting; January 8, February 12, March 18, April 15, May 20, June 17, July 15, August 19, September 16, October 21, and November 18, all in the Sterling Municipal Building beginning at 7:30pm. R. Farrugia seconded the motion. Motion carried 5-0.

**h. Election of Officers:** D. Morrow nominated Frank Bood as Chairperson. J. Angelone seconded the nomination.

No more nominations.

F. Bood accepted the nomination.

D. Morrow made a motion to close nominations. J. Angelone seconded the motion. Motion carried 5-0.

F. Bood nominated Dana Morrow as Secretary. R. Farrugia seconded the nomination.

No more nominations.

D. Morrow accepted the nomination.

F. Bood made a motion to close nominations. R. Farrugia seconded the motion. Motion carried 5-0.

F. Bood made a motion to nominate Ross Farrugia as Vice Chairperson.

D. Morrow seconded the nomination.

No more nominations.

R. Farrugia accepted the nomination.

F. Bood made a motion to close nominations. D. Morrow seconded the motion. Motion carried 5-0.

**IX. ZEO Report:** None

**X. Other Business:** None

**XI. Adjournment:** J. Angelone made a motion to adjourn the meeting. R. Farrugia seconded the motion. Meeting adjourned at 9:34pm.

Respectfully Submitted;

*Melissa J. Bradley*

Recording Secretary